
POLICY REGISTER

Title:	PERSONAL FITNESS TRAINERS - LICENCING
MOSPLAN Reference:	10.02.12
Date Adopted:	29 November 2004 (CS/81)
Date Reviewed:	7 March 2005 – amended (CS/14), 4 July 2006 – amended (CS/39) 2 March 2010 (NOM 4) 1 November 2011 – amended (CS/61)

Policy Details:

That Council will regulate the activities of commercially based personal fitness trainer's in their use of public open space in accordance with Council's adopted standard conditions as follows:

1. Trainers must be licensed and training sessions are to be limited to the normal activities of a registered personal trainer, Yoga instructor, Tai Chi instructor or the like which would include but not be limited to appropriate cardio-vascular and muscular skeletal programs which may include pad training (boxing style) on public open space in Mosman .
2. Licensed Trainers to comply with reasonable directions of the Council's Ranger(s) in relation to any actual or potential conflicting activities or to display evidence of licence in prescribed manner.
3. Licensed Trainers must be appropriately qualified instructors who have relevant first aid certification and must be able to produce documentary evidence of same at time of application.
4. Licensed Trainers shall keep and maintain a log book of significant accidents or injuries occurring during training sessions on public open space land.
5. Licensed Trainers shall prior to commencing static/grid training inspect the immediate area to ensure no hazards are evident and take appropriate action to remove those hazards or alternatively move the training site and without undue delay report to Council the hazardous defect or other hazardous matters observed during any training requiring Council's attention.
6. Licensed Trainers shall not sub-let or assign its rights under this agreement.
7. Licensed Trainers shall indemnify and hold harmless the Council from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of the personal trainer whilst conducting a training session.
8. The Licensed Trainer shall not exceed 10 persons per squad when conducting training on roads, footpaths, public reserves, parks and beaches without the written consent of Council.

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9. The Licensed Trainer when conducting training on Council's public open spaces and footpaths shall always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents. Any noise created by the training activities shall not be audible from adjacent residential properties
10. The Licensed Trainer shall not suspend boxing or kickboxing bags from trees and/or structures in the public open space area.
11. The Licensed Trainer and their clients shall not step on or walk on or in any other way inappropriately use picnic tables and street furniture and shall leave the training area in a state similar to or better than prior to their commencement of training .
12. The Licensed Trainer shall not use the War Memorial adjacent to Allan Border Oval and the Rotunda at Balmoral as training locations.
13. The Licensed Trainer shall take out and maintain for the duration of the Term in its name as Licensee, APRA approved Public Liability Insurance for minimum \$10 million and produce documentary evidence of same at time of registration.
14. Notwithstanding any implication or rule of law to the contrary the Council shall not be liable for any damage or loss the Licensee may suffer by the act, default or neglect of any other person or by reason of the Council failing to do something on or to the reserve.
15. The Licensed Trainer is only authorised to offer training sessions. The sale of clothing or equipment or refreshments or any other good, service or product is not permitted.
16. The Licensed Trainer will not display any advertising signage including banners or "A" Frame signs on Council's reserves.
17. The Licensed Trainer shall not interfere with any Council approved or booked activity including but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval or reserve or part thereof and the Trainer acknowledges that such a booking has priority over the Trainer's use and this is for non-exclusive use.
18. The Licensed Trainer shall be responsible for satisfying all occupational health and safety requirements.
19. The Licensed Trainer shall pay to the Council an annual fee of \$50 application fee inclusive of GST for the issue of the Licence. Only Trainers that have adequate public liability insurance and are a member of a council approved professional body affiliated with the fitness industry or are suitably qualified to Council's satisfaction will be granted a Licence.
20. The Council reserves the right to terminate its agreement with a Licensed Trainer without notice if in its sole opinion it has determined that the Trainer has failed to comply with the reasonable direction of its Ranger(s) or has breached a condition of approval. A trainer whose licence has been terminated can appeal in writing to the General Manager against the determination.

Reference(s): Refer to Council's Pricing Policy for fees

Responsible Department(s): Corporate Services